



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 046982-0112

In re patent application of

Hiroshi UENO

Group Art Unit: 2739

Serial No. 09/473,022

Examiner: Unassigned

Filed: December 28, 1999

RECEIVED

JUN 22 2001

Technology Center 2600

For: ATM MULTIPLEXING APPARATUS AND CELL DISCARD METHOD

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56 AND 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Assistant Commissioner:

Submitted herewith on a modified Form PTO-1449 is a listing of document(s) known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of the listed document(s) is being submitted to comply with the provisions of 37 C.F.R. §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed before the mailing date of a first action under the provisions of 37 C.F.R. § 1.97(b)(3). In the alternative, the instant Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(c)(1).



Serial No. 09/473,022

RECEIVED

JUN 22 2001

Technology Center 2600

STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO-1449 were cited as being relevant during the prosecution of the corresponding Japanese application. A copy of an English language abstract of the listed documents, if available, is being provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider this document (37 C.F.R. § 1.98 and M.P.E.P. § 609).

The Examiner in the corresponding Japanese patent application has commented as follows:

Ref # 46982/112 SN: 09/473022

List of Publications

1. Japanese Unexamined Patent Application Publication No.
H8-130543
2. Japanese Unexamined Patent Application Publication No.
H10-75252
3. Japanese Unexamined Patent Application Publication No.
H10-13427
4. Japanese Unexamined Patent Application Publication No.
H9-261245

Claims 1, 3 and 9

Publication 1

Remarks

In Claim 1, Claim 6 and Fig. 1 in particular of Publication 1, an invention is described that discards the cell of the connection specified by the VC based on the storage volume and the threshold value of the buffer that stored the ATM cell in the ATM multiplexing apparatus.

When the invention relating to Claims 1, 3 and 9 of the present application and the invention described in Publication 1 were compared, no particular differences were found between the two.

Claim 2

Publications 1-4

Remarks

In studying the invention relating to Claim 2 of the present application, except for points that have already been studied with respect to Claim 1, there was no description in Publication 1 to the effect that the communication status would be determined based on the header information included in the reception cell from the ATM switch or the subscriber.

However, in Publication 2 (see Paragraph [0007]), Publication 3 (see Paragraph [0019]), and Publication 4 (see Paragraph [0008]), inventions are described which perform congestion control such as cell discard using the communication status relating to the higher layer packet shown in the header information of the reception cell. Therefore, the inventions described in Publications 2 through 4 are congestion control based on the storage volume in the buffer in the same way as the invention described in Publication 1, so persons skilled in the art would be able to readily conceive of applying the technology described in Publications 2 through 4 to the invention described in

Publication 1 to arrive at the invention relating to Claim 2 of the present application.

Claim 4

Publications 1-4

Remarks

In studying the invention relating to Claim 4 of the present application, except for points which have already been studied with respect to Claims 1 and 2, as seen from the discard means of the multiplexing apparatus, there was no particular difference with respect to whether to use the header information of the reception ATM cell from the ATM switch or to use the header information of the reception ATM cell from the subscriber, and persons skilled in the art could have readily invented the invention relating to Claim 4 of the present application based on the inventions described in Publications 1 through 4.

Claims 5-8

Publications 1-4

Remarks

In studying the invention relating to Claims 5-8 of the present application, except for points which have already been studied with respect to Claims 1, 2 and 4, in the inventions described in Publications 2 through 4, it is a conventional means that stores the communication status of the higher layer packet to which the respective cells belong and which appropriately updates the tables that store that type of communication status due to timeovers, etc., so persons skilled in the art could have readily invented the inventions relating to Claims 5 through 8 of the present application based on the inventions described in Publications 1 through 4.

It is believed that the instant information disclosure statement is being filed prior to the mailing date of any Notice of Allowance or Final Office Action. However, if this information disclosure statement is filed after the mailing date of the Notice of Allowance

Serial No. 09/473,022

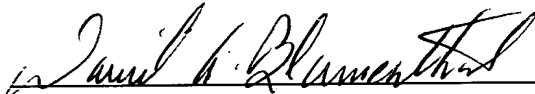
or Final Office Action, then applicant(s) hereby request(s) and authorize(s) the PTO to charge the fee under 37 CFR 1.17(p) to Deposit Account No. 19-0741.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

June 14, 2001

Date



David A. Blumenthal

Reg. No. 26,257

Foley & Lardner
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: 202-672-5300
Facsimile: 202-672-5399



Atty. Dckt. No. 046982-0112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 22 2001

Technology Center 2600

Applicant: Hiroshi UENO
Title: ATM MULTIPLEXING
APPARATUS AND CELL
DISCARD METHOD
Appl. No.: 09/473,022
Filing Date: December 28, 1999
Examiner: Unassigned
Art Unit: 2739

CERTIFICATE OF MAILING

Assistant Commissioner for Patents
Washington, D.C. 20231


Assistant Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

1. Information Disclosure Statement
2. Form PTO 1449
3. Postcard

Respectfully submitted,

June 14, 2001
Date


David A. Blumenthal
Reg. No. 26,257

Foley & Lardner
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5407
Facsimile: (202) 672-5399